

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated December 19, 2003, claims 1-20 are rejected. Applicants respectfully request the Examiner for reconsideration of the allowability of claim 2 if rewritten to overcome the 35 U.S.C. 112 rejection invoked.

Paragraph 0001 has been amended to reference each co-pending application, identifying them by application number pursuant to 37 C.F.R. 78. Paragraph 0064 has been amended. No new matter has been added to the application.

In the Office Action it is stated that applicants fail to disclose in claim 2 of the specification that "a first tire message is missed and a second tire message is obtained." Applicants believe that the specification sufficiently discloses that "a first tire message is missed and a second tire message is obtained". Paragraph 0066 gives one example showing that the missed message may, for example, be from a fourth tire in a four tire system that has been replaced with another tire such as a spare.

The informalities in claim 7 are corrected as requested by Examiner.

The drawings are in compliance with 37 C.F.R. 1.83(a) by showing a message, whether the message in the claims is a first, second, or nth message. For example, a message is shown in Figure 15, item 244 and in Figure 4, item 106. Furthermore, many of the other drawings implicitly show a message, i.e. an arrow or line segment, where the detailed illustration is not essential for a proper understanding of the invention.

Claim 2 stands rejected under 35 U.S.C. 112, first paragraph. As mentioned above, claim 2 is supported by the specification, which enables one skilled in the art to which it pertains to make and/or use the invention. Further, the message is transmitted from the tire and received by the system containing data particular to that message received. The message received, whether it is the first message, the second message, or the nth message, is a conditional aspect of the invention and as such is represented by receiving a first message and then receiving a second message. The claims could have stated receiving an nth message and then receiving an nth+1 message; either way the conditionality is predicated upon receiving one message and

then another message. The first message received is from one tire and the second message may be from any tire.

Claims 2, 7 and 8 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended claims 2 and 7 as requested by the Examiner. Claim 2 is definite as described in the previous paragraphs. Claim 7 is a further limitation of claim 1 wherein the step of receiving the tire identification includes receiving an identification number not stored in a system memory. Claim 1 has an element of receiving tire identifications, which would include receiving tire identification stored in a system memory and not stored in a system memory. Applicants are unsure as to Examiner's rejection of Claim 8.

Claims 1 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by *DeZorzi* (6,232,875). Applicants respectfully traverse.

Claim 1 is a method for operating a tire pressure monitoring system that requires measuring a vehicle speed. In the Office Action, the Examiner suggests the *DeZorzi* reference discloses measuring a vehicle speed. The Examiner cites 164, Figure 5; Col. 12, lines 65 through Col. 13, line 15, for the proposition of measuring a vehicle speed. However, *DeZorzi* teaches receiving a motion signal that is indicative of movement of the vehicle at or above a predetermined vehicle speed. The motion signal taught in the *DeZorzi* reference is indicative of movement. A centrifugal on/off switch set for particular angular velocity is used to trigger the transmission (it is not indicative of vehicle speed, it is indicative of surpassing a particular vehicle speed). (*DeZorzi*, Col. 10, lines 18-21 and Col 5, lines 4-6.) The *DeZorzi* reference does not teach or suggest measuring a vehicle speed.

Claim 1 also requires setting a tire status corresponding to a tire identification number to a rolling status, a pending rolling status, a spare and a pending spare in response to a timer and a vehicle speed. (Application [0064], Figures 15 and 16). One example is given in the specification, paragraph 0064, where the system recognizes that this tire was a previous spare tire and thus now places the spare tire identification into the memory. The *DeZorzi* system discloses an apparatus and method for controlling a tire condition module of a vehicle tire including; starting a timer,

receiving a tire identification, and tire condition. (*DeZorzi*, Col. 11, lines 58-65; Col. 3, lines 55-60; and Figure 5, steps 156, 166, 172, 174, and 176, respectfully.) However, The *DeZorzi* reference does not teach or suggest setting a tire status corresponding to a tire identification number to a rolling status, a pending rolling status, a spare and a pending spare. (Application [0066] and figure 16.) Furthermore, The *DeZorzi* reference does not teach or suggest setting a tire status corresponding to a tire identification number to a rolling status, a pending rolling status, a spare and a pending spare in response to a timer and a vehicle speed.

Likewise, claim 6 is also believed to be allowable since it is dependent from an independent claim. Applicants respectfully believe claims 1 and 6 are allowable since each and every element of the claims are not found in the *DeZorzi* reference. Furthermore, claim 6 requires the timer to be a countdown timer. The *DeZorzi* reference does not teach or suggest a countdown timer.

Claims 3-5 and 7-20 stand rejected under 35 U.S.C. §103(b) as being unpatentable over *DeZorzi*. Applicants respectfully traverse.

In light of the foregoing, claims 2-20 are therefore non-obvious where *DeZorzi* fails to teach each and every element of claim 1. Further, no reason has been shown why one of skill in the art would modify the *DeZorzi* references as the Office Action proposes in claim 1 where *DeZorzi* does not teach or suggest setting a tire status corresponding to a tire identification number to a rolling status, a pending rolling status, a spare and a pending spare in response to a timer and a vehicle speed.

In light of the foregoing, claims 2-9 are dependant upon claim 1 and are therefore also non-obvious in light of *DeZorzi* for the same reasons of claim 1. Claims 10-13, 14-15, 16-19, and 20 are also non-obvious for the same reasoning as given for claim 1.

Furthermore, claims 3 and 4 require setting a tire status by setting the first tire status to spare (or pending spare) when the first tire message is received, the vehicle is moving and a predetermined number of tire messages are not received when the vehicle is moving. *DeZorzi* does not teach or suggest setting a tire status by setting the first tire status to spare (or pending spare) when the first tire message is received, the vehicle is moving and a predetermined number of tire messages are not received

when the vehicle is moving. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. §103 be withdrawn as *DeZorzi* fails to teach or suggest every limitation of claims 3 and 4. Further, no reason has been shown why one of skill in the art would modify the *DeZorzi* reference as the Office Action proposes.

Claim 5 requires setting a tire status by setting the tire status to the pending rolling status when a count initiated when a message received and the vehicle is moving does exceed a predetermined count. *DeZorzi* does not teach or suggest setting a tire status by setting the tire status to the pending rolling status when a count initiated when a message received and the vehicle is moving does exceed a predetermined count. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. §103 be withdrawn as *DeZorzi* fails to teach or suggest every limitation of claim 5. Further, no reason has been shown why one of skill in the art would modify the *DeZorzi* reference as the Office Action proposes.

Claims 7-9 require setting the tire status includes saving the tire status in the memory. *DeZorzi* does not teach or suggest setting the tire status includes saving the tire status in the memory. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. §103 be withdrawn as *DeZorzi* fails to teach or suggest every limitation of claim 8. Further, no reason has been shown why one of skill in the art would modify the *DeZorzi* reference as the Office Action proposes.

Claim 10 is a method of determining the position of a first tire in a tire pressure monitoring system having a plurality of tires in a plurality of rolling locations and a spare location. *DeZorzi* fails to teach or suggest every limitation of claim 10. Further, no reason has been shown why one of skill in the art would modify the *DeZorzi* reference as the Office Action proposes. Also, claim 10 is patentable for the reasons stated above in claims 1 and 3-5.

Claim 11 is also believed to be allowable since it is dependent from independent claim 10. Applicants respectfully believe claims 10 and 11 are allowable since each and every element of the claims are not found in the *DeZorzi* reference. Furthermore, claim 11 requires the timer to be a countdown timer. The *DeZorzi* reference does not teach or suggest a countdown timer.

Claims 12 and 13 are also believed to be allowable since they are dependent from independent claim 10. Also, claims 12 and 13 are patentable for the similar reasoning stated in claims 7-9 above.

Claim 14 is a tire pressure monitoring system for a vehicle. Claim 14 requires a controller coupled to the spare tire, said controller starting said timer in response to a missing signal, receiving the spare tire identification signal, setting a tire status to a rolling status, a pending rolling status, a spare status and a pending spare status in response to said timer and said vehicle speed signal. *DeZorzi* fails to teach or suggest every limitation of claim 14. Further, no reason has been shown why one of skill in the art would modify the *DeZorzi* reference as the Office Action proposes. Furthermore, claim 14 is patentable for the reasons stated above in claim 1.

Claim 15 is also believed to be allowable since it is dependent from independent claim 14. Furthermore, claim 15 requires associating the warning status with the tire identification number. The *DeZorzi* reference does not teach or suggest associating the warning status with the tire identification number.

Claim 16 is a method for operating a tire pressure monitoring system. *DeZorzi* fails to teach or suggest every limitation of claim 16. Further, no reason has been shown why one of skill in the art would modify the *DeZorzi* reference as the Office Action proposes. Also, claim 16 is patentable for the reasons stated above in claims 1 and 3-4.

Claims 17-19 are also believed to be allowable since they are dependent from independent claim 16. Furthermore, claim 17 requires generating the wake message in response to the spare tire motion. *DeZorzi* reference does not teach or suggest generating the wake message in response to the spare tire motion. Also, claim 18 requires changing the indicator in response to resetting the warning status. The *DeZorzi* reference does not teach or suggest changing the indicator in response to resetting the warning status. Lastly, claim 19 requires when resetting the low warning status it includes clearing a memory. The *DeZorzi* reference does not teach or suggest when resetting the low warning status it includes clearing a memory.


Claim 20 is a tire pressure monitoring system for a vehicle. *DeZorzi* fails to teach or suggest every limitation of claim 20. Further, no reason has been shown

why one of skill in the art would modify the *DeZorzi* reference as the Office Action proposes. Furthermore, claim 20 is patentable for the reasons stated above in claim 14.

In light of the above remarks, applicants submit that the application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit Account 06-1510.

Respectfully submitted,


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